



# HUMBOLDT COUNTY SHERIFF'S OFFICE

MICHAEL T. DOWNEY, SHERIFF

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DATE: September 12, 2014

TO: THE HONORABLE DALE A. REINHOLTSSEN PRESIDING JUDGE OF  
THE SUPERIOR COURT

FROM: MICHAEL T. DOWNEY, SHERIFF

RE: RESPONSE TO THE 2013-2014 GRAND JURY REPORT

## GRAND JURY REPORT-2013-2014 COUNTY CODE COMPLAINT SYSTEM

The Humboldt County Grand Jury convened and provided recommendation for a formal citizen's complaint system that would interface between all county departments.

### Recommendation No. R1

The County's existing system should be expanded to create a complaint resolution system capability. Because On Track is currently shared by multiple departments' the current capabilities should be expanded and the interdepartmental sharing of current data leveraged to enable sharing of citizen complaint information. (F3, F4)

### SHERIFF'S RESPONSE TO RECOMMENDATION NO. R1

The recommendation will not be implemented because it is not warranted or reasonable.

The Sheriff's Office currently utilizes its own tracking system in accordance with Sheriff's Office policy and procedure as well as state law. When dealing with public safety employees a higher expectation of confidentiality is necessary due to the course and scope of their duties, which would not be insured by a county wide system. The possibility of this information being available to those not associated with Law Enforcement could lead to abuses of the employees' rights under the Peace Officers Bill of Rights.

### Recommendation No. R4

On track currently has a citizens portal and an internal County portal. This internet capability can be expanded to allow citizens to check the status of their complaint.

## **SHERIFF'S RESPONSE TO RECOMMENDATION NO. R4**

The recommendation will not be implemented because it is not warranted or reasonable.

As outlined in my response to recommendation R1, I see no viable application of On Track in the Sheriff's Office complaint system. As related in my previous response the Sheriff's Office has a viable departmental policy, which is in compliance with 832.5 of the California Penal code regarding dealing with such complaints. This policy ensures that each deputy or officers rights are protected as outlined in the Peace Officers Bill of Rights.

The grand jury report addresses important concerns. On Track may be a viable system for other county agencies but does not provide the security and confidentiality for the officers and the Sheriff's Office. The current system works well and I am not aware of any legitimate citizens concerns or complaints in regards to our current complaint process. Each complaint is dealt with and the complainant is notified when the issue has been resolved.

## **GRAND JURY REPORT 2013-1014 ARE WE READY FOR DISASTER ON THE NORTH COAST?**

The Humboldt County Grand Jury convened and inquired as to the counties preparedness in the event of disaster or other type of emergency.

### **Recommendation No. R1**

Individuals need to be protected and get their emergency plan in place, for it is very likely no one will or can come to their aid for 72 hours following a disaster. This means that you should build an emergency supply kit including pet food and medical supplies, talk about a family emergency plan, be informed what disasters you might experience, and know how to turn off your gas and power. Your plan should include a text tree (using cell phones to contact friends and relatives), food, water, medicine, and shelter. First aid kits, flashlights and a battery or manual powered radio are also recommended.

## **SHERIFF'S RESPONSE TO RECOMMENADATION NO. R1**

The recommendation has not yet been implemented, but will be implemented in the future, based upon appropriate funding and adequate staff.

The Humboldt County Office of Emergency Services under the direction of the Humboldt County Sheriff continues to utilize every opportunity to provide community outreach for the purpose of preparedness. There is currently no active outreach other than presentations by staff when requested. Much of this is due to reductions in staff and materials.

I do agree with the recommendation in regards to active preparedness and the office takes advantage of opportunities, when available. An investment by increasing the budget for the Office of Emergency Services for these types of programs would increase preparedness for individuals becoming a priority.

**Recommendation No. R4**

The Board of Supervisors should work quickly to replace the retiring Office of Emergency Services Director to insure continuity in this very important position.

**SHERIFF'S RESPONSE TO RECOMMENADATION NO. R4**

The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

The Director for the Office of Emergency Services is the elected Sheriff of the county, I believe the person the report refers to is the Emergency Services Manager. The Sheriff's Office is actively engaged in identifying the next Office of Emergency Manager in order to insure the continuity of the position, which is vital to the mission of the office.

**GRAND JURY REPORT 2013-2014 LATE NIGHT/EARLY MORNING  
RELEASE**

**Recommendation No. R1**

The Grand Jury of Humboldt County recommends that the Humboldt County Correctional Facility change its early release policy to eliminate releases between 9:00 pm and 6:00 am.

The recommendation will not be implemented because it is not warranted or reasonable.

The change in policy recommended by the Grand Jury report is not constitutionally feasible and will not be implemented. An officer, from either the sheriff's office or other law enforcement agency, arrests a subject for 647 (f) P.C., disorderly conduct has discretion as to whether the subject is to be charged or booked and released per 849 (b) (2) P.C. If the arrestee is subject to release the correctional facility will detain the individual until such time they are no longer a danger to themselves due to their level of intoxication.

Humboldt County Sheriff's Office correctional facility policy allows for an individual to be held, under the aforementioned conditions, for up to four (4) hours or until they exhibit their ability to be released, being able to care for themselves. Upon complying with policy and lawful requirements the Sheriff no longer has legal means or authority to detain or keep in custody those booked under these conditions.

An additional policy, that was recently implemented, requires that each detainee be screened and objective signs of sobriety documented prior to release. The form also contains a disclaimer and box to check in regards to the offer of staying in the Correctional Facility until 6:00 am. The detainee can opt to stay or be released from custody and must acknowledge his/her decision by signing the document, prior to release.

In regards to those booked for a chargeable offense and produce the bail amount specified by the courts are in turn subject to release. The correctional facility must accept the bail amount and promise to appear. The subject is then released upon satisfaction of the bailment and cannot be held any longer than the time it takes to process the arrestee from custody.

In other cases the correctional facility houses sentenced individuals who are in custody for a period of time as deemed by the presiding magistrate. In those cases the correctional staff begins the process of release the day prior to completion of the sentence in order to have the release take place at a reasonable time or with the understanding that the subject be released to a family member, friend or someone who can safely return the subject to his/her home.

### **Recommendation No. R2**

the Grand Jury of Humboldt County recommends that the Humboldt County Correctional Facility return to the inmates the cash money that was taken at the time of arrest rather than issuing a check or debit card.

The recommendation has been partially implemented.

The Humboldt County Correctional Facility identified the problem of releasing a subject from custody under the circumstances of a short custodial type situation. This would apply to those arrested under the provisions of 647 (f) P. C., disorderly conduct. In those type of cases the subject is merely detained and released within a relatively short period of time, four (4) to six (6) hours.

In the case of a short term detainee the funds brought into the facility are counted in front of the detainee and then sealed in a plastic bag. The sealed bag, containing the funds, is then placed in the detainees' property bag and returned to the subject upon release for their use.

In regards to those book into the facility and remain in custody, their funds are counted and placed into the Kiosk located in the booking area of the correctional facility. The Kiosk is emptied on a daily basis and funds for each inmate are attributed to their account for utilization in the facility for commissary and or returned to the inmate in the form of a check upon release.

This process is utilized for reasons of integrity and to avoid accusations by inmates of funds missing or not returned upon release. The Kiosk procedure protects the officer and inmate from the possibility of fraud, theft and complaints of monies being mishandled or misplaced.

### **Recommendation No.3**

The Grand Jury of Humboldt County recommends that the Humboldt County Correctional Facility and the Humboldt County Board of Supervisors enter into an agreement with Humboldt Transit Authority to provide tickets for out of town inmates at the time of release to return them to the place they were arrested. If no public transportation serves the place of arrest, and its more than 25 air miles from the Humboldt County Correctional facility, correctional staff must make other, appropriate arrangements pursuant to Penal Code Section 686.5.

The recommendation requires further analysis, prior to any implementation.

*In any case in which a person is arrested and released without trial or in which a person is arrested, tried, and acquitted, if such person is indigent and is released or acquitted at a place to which he has been transported by the arresting agency and which is more than 25 airline miles from the place of his arrest, the arresting agency shall, at his request, return or provide for return of such person to the place of his arrest. Penal Code Section 686.5*

Penal Code Section 686.5 specifies a few requirements, which require analysis and definition, prior to implementation. The first issue deals with the definition of "Indigent" and who would actually qualify under that definition. The other issue deals with the arresting agency and who would be responsible for the transportation.

Finally there is the issue of transportation of the indigent individual and associated costs. I believe the recommendation of contracting with the transit authority is a sound, viable option as long as the transit authority is willing to enter into an agreement.

Correctional Staff is currently collecting other agencies policies as they relate to 686.5 P.C. in order to prepare policy that will comply with the law at which such policy will be implemented and adhered to by staff.

### **GRAND JURY REPORT 2013-2014 HOW TO DEAL WITH CHILDREN IN CRISIS**

#### **Recommendation No. 1**

Crisis Intervention Training should be mandatory for all law enforcement officers. The Citizens Enforcement Liaison Committee and Department of Health and Human Services have offered to pay for such training.

The recommendation requires further analysis, prior to any implementation.

This recommendation has been partially implemented with deputies being assigned to Crisis Intervention Training on a regular basis. The training is not applicable to all sworn staff members particularly those assigned to corrections and court services. These employees do not have crisis level contact with juveniles on a regular basis.

Department of Health and Human Services has contributed to such training in the past but I do not know where a funding source would be available from the Citizens Enforcement Liaison Committee (CELC). There is merit in this training and it will be provided as training and funding allows.

### **Recommendation No. R2**

The curriculum of Crisis Intervention Training should include responses to children younger than 16 in a life-threatening situation.

The recommendation requires further analysis, prior to any implementation.

Crisis Intervention Training is conducted through the County Department of Health and Human Services (DHHS) and any changes to class structure of the syllabus would be implemented by DHHS. The recommendation is valid and warrants further discussion of structure and implementation.

### **Recommendation No. R3**

Professionals of Child Welfare Services (CWS) should be called as a first responder in addition to police when children are in crisis, whether or not such children are already CWS clients.

The recommendation has not yet been implemented, but may be implemented in the future based upon each agencies desire to participate and availability.

The recommendation is desirable but may be difficult to utilize in every instances dealing with juveniles. Many calls for service are originated during non-traditional work hours and may require the type of response, which does not allow for the delay in a CWS response. Youth in crisis can be very demanding and requires a sound decisive response to conflict in able to avoid injury to the juvenile or other involved parties.

Respectfully Submitted,

Michael T. Downey, Sheriff  
Humboldt County

Cc: Undersheriff Honsal  
Philip Smith-Hanes, County Administrative Officer